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HIGH COURT OF CHHATTISGARH, BILASPUR

CR.MISC.PET. NO.130/2007

PETITIONER Gopal Das Valaryani son of Shri Ghanshyam Das Valaryani aged about 51 years, presently posted as Manager, Durg Rajnandgaon Gramin Bank, Branch Chhuikhadan, Tehsil and Police Station-Chhuikhadan, District-Rajnandgaon(CG), resident of Lalbagh, Rajnandgaon(CG)

Versus

RESOPONDENT Manharan Das son of Shri Adhin Das Manikpuri, aged about 32 years , resident of Tikripara, Chhuikhadan Police Station & Tehsil-Chhuikhadan District-Rajnandgaon(CG)

Appearance:

Shri Awadh Tripathi, counsel for the petitioner.

ORAL ORDER
(04.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Being aggrieved with the order dated 23.9.2006, passed in Criminal Revision No. 147/2005 by the Additional Sessions Judge, Khairagarh, District-Rajnandgaon, argising out of the order dated 8.8.2005, passed in Criminal Case No.349/2003 by the Additional Chief Judicial Magistrate, Khairagarh, District-Rajnandgaon, whereby, the said Court had framed charges under Section 420 IPC against the petitioner, the petitioner has filed this Cr. Misc. Petition.

The brief facts are that on a complaint being filed by the respondent, the trial Court took cognizance and after recording the evidence under Section 200/202 Cr.P.C., registered the complaint and thereafter, after recording the pre-charge

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statement, by order dated 8.8.2005, directed for framing the charges under Section 420 IPC.

A perusal of para 12 of the complaint would show that the complainant made allegations that this petitioner, who was working as a Manager in Durg-Rajnandgaon Gramin Bank, Branch-Chhuikhadan, managed for purchasing a Maruti van after obtaining loan from a financer on the margin money deposited by the complainant, showing that everything is being done on the name of the complainant, but in fact, he purchased the vehicle on his own name by cheating the complainant and all this was not known to him. When it come to the notice of the complainant, he filed a criminal complaint, in which, the statements of witnesses were recorded and after taking evidence before the charge, the aforesaid charges were framed against the petitioner.

At the stage of framing of charges, the Court has only to see whether *prima facie*, there was sufficient ground to proceed against the accused. At this stage, the Court could not appreciate the evidence to arrive at a particular conclusion. The aforesaid exercise of appreciating the material produced by the prosecution at the stage of framing of charges is wholly unjustified. Please see ***(2000) 2 SCC 57, State of M.P. Vs. S.B. Johari & Others.***

Further, it has been held in the matter of ***Om Wati (Smt) and another Vs. State, Through Delhi Admn. And others, (2001) 4 SCC 333.*** that it is the statutory obligation of the High Court not to interfere at the initial stage of framing the charges merely on hypothesis, imagination and far-fetched reasons which in law amount to interdicting the trial against the accused persons. Self-restraint on the part of the High Court should be the rule unless there is a glaring injustice staring the court in the face. Unscrupulous litigants should be discouraged from protracting the trial and preventing culmination of the criminal cases by having resort to uncalled-for and unjustified litigation under the cloak of technicalities of law.

In view of the above, if we examine the contents of the complaint and also the contents of the evidence before charge, *prima facie*, it does not appear that on the basis of such material, the charges could not be framed against the petitioner.

There appears to be no infirmity in the orders, passed by the 2 Courts below, warranting interference by this Court under Section 482 Cr.P.C.

The petition has no merits. The same is not worth admission and is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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